

KARNATAKA CATTLE LICENSING ACT, 1964

27 of 1964

[22nd NOVEMBER, 1963]

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An Act to regulate the keeping of cattle in urban areas. Whereas, it is expedient in the interest of public health and sanitation to regulate the keeping of cattle in urban areas and for that purpose to provide for the licensing of cattle; Be it enacted by the Karnataka State Legislature in the Fifteenth Year of the Republic of India as follows

1. Short title, extent and commencement :-

- (1) This Act may be called the Karnataka Cattle Licensing Act, 1964.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force in such urban areas and with effect from such dates as the State Government may, by notification in the

official Gazette, appoint; and different dates may be appointed for different urban areas.

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(4) Notwithstanding anything contained in sub-section (3), the State Government may, by notification, declare that the provisions of this Act other than this section shall cease to be in force in any urban areas on such date as may be specified in such notification and thereupon this Act shall stand repealed in such urban area and the provisions of Section 6 of the Mysore General Clauses Act, 1899 shall apply accordingly:

Provided that the issue of a notification under this sub-section shall not preclude the State Government from issuing a notification under sub-section (3) bringing the provisions of this Act into force in such urban area.

2. Definitions :-

In this Act, unless the context otherwise requires.

(a) "Appellate Authority" means an Appellate Authority appointed by the State Government by notification to be the Appellate Authority for any urban area or part thereof in which this Act has come into force;

(b) "Cattle" means any animals of the bovine species and includes buffaloes;

(c) "Family" with reference to any person means his spouse, parents, children, other relations and servants living together in the same mess;

(d) "Householder" means a person who occupies any premises as his dwelling;

(e) "Licence" means a licence issued under this Act;

(f) "Licensing Authority" means an authority appointed by the State Government by notification to be a licensing authority for any urban area or part thereof in which this Act has come into force;

(g) "Notification" means a notification published in the official Gazette;

(h) "Prescribed" means prescribed by rules made under this Act;

(i) "Urban Area" means.

(i) the area within any municipality, municipal corporation, municipal district, notified area, town area, or sanitary board area, declared as such under any law regulating municipal administration of such area; and

(ii) any area which the State Government, in view of its development and growing population, declares to be an urban area.

3. Cattle not to be kept in certain areas without licence :-

After the expiry of a period of six months from the date on which this Act comes into force in any urban area, no person shall keep any cattle in such area except under a licence.

4. Two classes of licences :-

(1) There shall be two classes of licences, namely.

(a) a licence granted to a householder in respect of cattle kept in his own premises primarily for the consumption of the milk by himself or by members of his family and for the sale of surplus, if any, not exceeding six litres on any one day;

(b) a licence granted to any person in respect of cattle kept in any premises or place for any purpose save as mentioned in clause (a).

(2) Licences referred to in clauses (a) and (b) of sub-section (1) shall be called respectively Class A and Class B licences.

5. Issue of licence :-

(1) Any person intending to have a Class A or a Class B licence shall apply to the licensing authority in the prescribed manner and the licensing authority may thereafter grant a licence under this Act or may after recording reasons therefor, refuse the application for a licence.

(2) Every licence shall be valid for such period as may be prescribed and may be renewed on application in the prescribed manner, to the licensing authority.

(3) Every licence shall mention the address of the premises or place where the cattle are to be kept and the maximum number and the description of cattle which may be kept under the licence; such address, number or description may be varied on application made in the prescribed manner to the Licensing Authority.

(4) The nature and type of shed to be provided for keeping cattle

under a licence shall be such as may be prescribed, and no licence shall be granted unless the licensing authority is satisfied that a shed as prescribed has been provided.

(5) Every licence shall be subject to such conditions as may be prescribed.

6. Cancellation of licence in certain cases :-

Where the licensing authority has reason to believe that a person to whom a licence has been granted has contravened or failed to comply with the conditions of the licence or any provisions of this Act or the rules made thereunder, it may, after affording in the prescribed manner an opportunity to the licensee to show cause, cancel the licence or refuse to renew it.

7. Appeal :-

(1) Any person aggrieved by an order of a licensing authority, refusing his application for licence, or cancelling his licence or refusing to renew his licence, or by an order relating to any change of address or description or variation in number under sub-section (3) of Section 5 may, within thirty days of the date of service of such order, prefer an appeal against such order to the Appellate Authority, in the prescribed manner.

(2) The Appellate Authority shall deal with the appeal in the prescribed manner and shall pass such order thereon as it deems fit.

8. Prohibited areas :-

(1) Notwithstanding anything contained in the preceding sections, the State Government may, at any time after the date on which this Act has come into force in any area, declare by notification, such area or any part thereof as a prohibited area if it thinks fit so to do in the public interest.

(2) No Class B licence shall be issued in respect of any premises or place within a prohibited area and any such licence already issued or in force in respect of any premises or place in such area shall stand cancelled on the expiry of six months from the date of the issue of the notification under sub-section (1) or of the remaining period of licence whichever is earlier.

9. Power to enter or inspect premises or places :-

The licensing authority or such officer as may be authorised by it by

an order in writing in this behalf shall have power to enter or inspect at any time between sunrise and sunset, any premises or place situate in any area in which this Act has come into force.

(i) in order to inspect any cattle or the arrangements for keeping cattle, in respect of which an application for a licence has been made or a licence has been issued; or

(ii) in order to ascertain if any cattle are being kept in contravention of the conditions of a licence or the provisions of this Act or the rules made thereunder, if he has reason to believe that cattle are being so kept.

10. Penalties :-

(1) Any person who.

(i) contravenes the provisions of Section 3; or

(ii) being the holder of Class A licence sells milk in excess of six litres on any one day; or

(iii) keeps cattle in any premises or place different from that mentioned in the licence; or

(iv) keeps cattle in excess of the maximum number, or different in description from, that stated in the licence, shall, on conviction, be punished with fine which may extend to one thousand rupees.

(2) Where a person is convicted of any offence under this section the Court may direct that the cattle in respect of which the offence is committed shall be forfeited to Government.

11. Rules :-

(1) The State Government may, by notification and after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.

(a) the form of applications for licences, for renewal of licences or variations of the address, number and description in the licences;

(b) the fees to be paid for the grant of licences, the renewal of licences or variation of the address number and description in the licences;

(c) the forms of licences;

(d) the conditions of licences;

(e) the procedure to be followed by the licensing authority;

(f) any matter which may be or is required to be prescribed under this Act.

(3) In making a rule under this section, the State Government may provide that a contravention thereof or of condition of a licence shall be punished with fine which may extend to one thousand rupees.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Power to exempt :-

The State Government may, by notification, exempt any institution, authority or person from the operation of this Act on such conditions as it may think fit, in respect of the keeping of such number and description of cattle as may be specified in such notification, for a scientific, educational or public purpose, if in its opinion, it is necessary so to do in the public interest.

13. Indemnity :-

No suit or proceeding shall lie against the State Government, and no suit, proceeding or prosecution shall lie against any officer of the State Government, the Licensing Authority or Appellate Authority for anything in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

14. Act to override other enactments :-

(1) The provisions of this Act shall have effect notwithstanding anything to the contrary in any other Act.

(2) Subject to the provisions of sub-section (1) the provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Bombay District Municipal Act, 1901 (Bombay Act No. III of 1901), the Bombay Municipal Boroughs Act, 1925 (Bombay Act No. VIII of 1925), the Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act LIX of 1949), as in force in the Bombay Area; the Coorg Municipal Regulation, 1907 (Regulation No. II of 1907), as in force in the Coorg District; the Hyderabad District Municipalities Act, 1956 (Hyderabad Act No. XVIII of 1956), as in force in the Hyderabad Area; the Madras District Municipalities Act, 1920 (Madras Act V of 1920), as in force in the Madras Area; the Karnataka Mines Act, 1906 (Karnataka Act IV of 1906), the Karnataka City Municipalities Act, 1933 (Karnataka Act No. VII of 1933), the City of Bangalore Municipal Corporation Act, 1949 (Karnataka Act No. LXIX of 1949), and the Mysore Town Municipalities Act, 1951 (Karnataka Act No. XXII of 1951), as in force in the Mysore Area and the Karnataka Village Panchayats and Local Boards Act, 1959, (Karnataka Act No. 10 of 1959) and the rules, regulations, orders, notifications and bye-laws made thereunder.